

EXHIBIT 38

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

4 -----x

5 IN RE: FACEBOOK, INC. CONSUMER
6 PRIVACY USER PROFILE LITIGATION

-----x

7 This document relates to:
8 ALL ACTIONS.

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9 March 4, 2022
10 12:03 p.m.

11 HIGHLY CONFIDENTIAL
12 PURSUANT TO PROTECTIVE ORDER

13 Remote Video Zoom Deposition of JORDAN O'HARA,
14 taken by Plaintiff, pursuant to Notice, with the
15 Witness located in San Diego, California, before
16 William Visconti, a Shorthand Reporter and Notary
17 Public within and for the State of New York.
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1 JORDON O'HARA - HIGHLY CONFIDENTIAL

2 you're suing Facebook is that Facebook used
3 your data without your consent; is that
4 correct?

5 A. Yes.

6 Q. What is your basis for believing
7 that Facebook used your data without your
8 consent?

9 MS. ORAELAS: I want to caution the
10 witness to the extent that you can respond
11 to that question without divulging anything
12 that you discussed with counsel, you can go
13 ahead and respond. But if responding would
14 require you to divulge anything discussed
15 with counsel, I will instruct you not to
16 answer.

17 A. Colin -- Mr. Davis, do you mind
18 repeating your question, please?

19 Q. Yes.

20 MR. DAVIS: For the record, we
21 don't necessarily have to stand on
22 formality. If you want to refer to me as
23 Colin that is okay.

24 Q. The question was, Mr. O'Hara, what
25 is your basis for believing that Facebook used

1 JORDON O'HARA - HIGHLY CONFIDENTIAL

2 your data without your consent.

3 A. From my understanding I have
4 certain privacy settings that you can toggle on
5 Facebook. When I have a setting set to like
6 friends only and the information is from my
7 understanding it is just being shared with my
8 friends. I'm now have learned that Facebook
9 was actually taking a lot of that data and
10 sharing it with people beyond my friend group
11 for the expressed purpose of advertising as
12 well as who knows what else they were doing
13 with that data. But it wasn't just data that I
14 chose to share with my friends.

15 Q. Mr. O'Hara, how did you learn
16 that Facebook was taking your data and sharing
17 it with people beyond your friend group?

18 MS. ORAELAS: Same objection as
19 before. Jordan, if you can respond to that
20 question without divulging anything
21 discussed with counsel, you can go ahead
22 and respond.

23 A. Okay, well, largely the main
24 reasons, without divulging any conversations,
25 there was a lot of stuff that came out in the